

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

CHRISTOPHER PROSSER,

Plaintiff,

v.

RONALD PROCTOR, et al.,

Defendants.

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No. 2:18-cv-85-RLW

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff Christopher Prosser's motion for temporary restraining order. The motion will be denied.

Plaintiff commenced this civil action on September 18, 2018 by filing a complaint against 21 defendants. He sought and was granted leave to proceed *in forma pauperis*, and the Court reviewed his complaint pursuant to 28 U.S.C. § 1915(e)(2). As fully set forth in the Court's December 7, 2018 Memorandum and Order, the Court determined that the complaint violated Rule 8 of the Federal Rules of Civil Procedure, and gave plaintiff the opportunity to submit an amended complaint. Plaintiff's response is due to the Court on January 7, 2019.

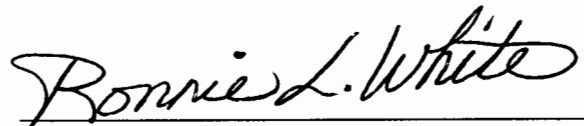
Plaintiff now moves for a temporary restraining order pursuant to Rule 65(b)(1), which governs issuing a temporary restraining order without notice to the adverse party or his attorney. In support, plaintiff states he wants a temporary restraining order and permanent injunctive relief against certain medical care providers. Under Rule 65(b)(1), this Court may issue a temporary restraining order "only if...specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Here, plaintiff has yet to file a

complaint that survives initial review pursuant to 28 U.S.C. § 1915(e)(2). It therefore cannot be said that specific facts in a verified complaint clearly show he will suffer immediate and irreparable injury, loss or damage before the adverse parties can be heard in opposition. The instant motion will therefore be denied, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for temporary restraining order (Docket No. 10) is **DENIED** without prejudice.

Dated this 10th day of December, 2018.

A handwritten signature in cursive script that reads "Ronnie L. White". The signature is written in black ink and is positioned above a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE